

Minutes Formal City Council Meeting April 3, 2008

Minutes of the Formal Council Meeting of Thursday, April 3, 2008, held at 7:30 p.m. in the Harry E. Mitchell Government Center, Municipal Building, City Council Chambers, 31 E. Fifth Street, Tempe, Arizona.

COUNCIL PRESENT:

Mayor Hugh Hallman
Vice Mayor Hut Hutson
Councilmember P Ben Arredondo
Councilmember Barbara J. Carter
Councilmember Shana Ellis
Councilmember Mark W. Mitchell
Councilmember Onnie Shekerjian

Mayor Hallman called the meeting to order at 7:45 p.m.

1. Councilmember Ellis gave the invocation.
2. Mayor Hallman led the audience in the **Pledge of Allegiance**.
3. **MINUTES**

A. Approval of Council Meeting Minutes

Motion by Vice Mayor Hutson to approve the following **COUNCIL MEETING MINUTES**. Second by Councilmember Ellis. Motion passed unanimously on a voice vote.

1. Council's Executive Session – March 20, 2008
2. Council's Issue Review Session – March 20, 2008 [20080403clrkck04.pdf](#)
3. Council's Formal Meeting – March 20, 2008 [20080403clrkck02.pdf](#)
4. Council's Special Budget Session – March 20, 2008 [20080403clrkck03.pdf](#)
- 4a. Council's Finance, Economy & Veterans Affairs Committee – March 18, 2008
[20080403feva01.pdf](#)

B. Acceptance of Board & Commission Meeting Minutes

Motion by Vice Mayor Hutson to accept the following **COMMITTEE & BOARD MEETING MINUTES**. Second by Councilmember Ellis. Motion passed unanimously

on a voice vote.

5. Aviation Commission – January 8 and February 19, 2008
[20080403tavco02.pdf](#) [20080403tavco01.pdf](#)
6. Commission on Disability Concerns – Architectural Compliance Committee –
March 4, 2008 [20080403cdc01.pdf](#)
7. Committee for Youth, Families & Community, February 25, 2008 [20080403cyfc01.pdf](#)
8. Enhanced Services Commission – February 13, 2008 [20080403esc01.pdf](#)
9. Historic Preservation Commission – February 14, 2008 [20080403hpc01.pdf](#)
10. Human Relations Commission – February 12, 2008 [20080403hrc01.pdf](#)
11. Mayor's Youth Advisory Commission – March 4, 2008 [20080403myac01.pdf](#)
12. Municipal Arts Commission – February 13, 2008 [20080403mac02.pdf](#)
13. Municipal Arts Commission – Public Art/Art in Private Development Committee –
February 26, 2008 [20080403mac01.pdf](#)
14. Transportation Commission – January 8, 2008 [20080403tc01.pdf](#)
15. Transportation Commission – Multi-modal Planning & Project Review Committee –
January 9, 2008 [20080403tc02.pdf](#)
- 15a. Transportation Commission – Public Involvement/Marketing Committee –
January 7, 2008 [20080403tc03.pdf](#)

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

- Mayor Hallman announced that in honor of **Cesar Chavez Day**, the Diversity Department coordinated a coloring contest in partnership with Frank School. Using the theme, "Cesar Chavez had a calling.....what's yours?" the children were asked to draw a picture representing Cesar Chavez' life and work and also draw a picture representing their future public service calling. The two-fold message was to educate, honor and celebrate the life of Cesar Chavez and to encourage students to think about their calling and consider a future as a public servant. He introduced the contest winners: Kindergarten: **Anthony Vargas and Mireya Miranda**; First Grade: **Daniella Peinado and Abraham Andres**; Second Grade: **Mariah Pena and Jaime Tavena**; Third Grade: **Patricia Espuma and Adrian Ruiz**; Fourth Grade: **Lizeth Medrano and Alejandro Lopez**; Fifth Grade: **Nina Gascar and Robert Mathis**.
- Mayor Hallman read a proclamation declaring the week of April 13-19, 2008, as **Telecommunicator Week** in Tempe, Arizona.

B. Manager's Announcements – None.

5. AGENDA

All items in these minutes identified with an asterisk (*) are **public hearing items**. All items listed on the agenda are approved with one council action. Items scheduled for Introduction/First Public Hearing will be heard but not adopted at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon at this meeting.

Mayor Hallman announced consideration of the **AGENDA**.

Motion by Vice Mayor Hutson to approve the Agenda as amended (Items #17 and #21 were removed for separate consideration). Second by Councilmember Ellis. Motion passed on a roll call vote 7-0.

A. Miscellaneous Items

16. Approved **Contract #2008-67**, the reappointment of Presiding Judge Louraine C. Arkfeld for a four-year term.
DOCUMENT NAME: [20080403ccms01.pdf](#) **COURT**
ADMINISTRATION (0501-02)

- *17. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**
Held a public hearing for GERDES RESIDENCE, and **denied** the elimination of previous conditions of approval to allow a replat of one existing lot into two at 8404 South Kachina Drive.

COMMENTS: (CC060020/PL080065) (Michael and Diane Gerdes, property owners/applicant) to eliminate the described conditions of approval from the City Council decision on June 29, 1978, in order to allow the subdivision of one existing lot into two, located at 8404 South Kachina Drive in the R1-7, Single-Family Residential District, eliminating the following:

Case Z-78.5 Ordinance No. 808.57, Zoning Request Conditions

#3 Lots on the western boundary shall be a minimum of $\frac{3}{4}$ acre in gross lot area.

#5 The zoning of this parcel is contingent on the preliminary subdivision and limited to no more than 192 lots on the 81.6 acre site.

Case S-78.17, Final Subdivision Map – Estate La Colina Condition

#5 Of the total 88 lots in Phase I, the lots on the western boundary shall be a minimum of one acre in gross lot area.

APPLICANT PRESENTATION

Diane and Michael Gerdes, applicants, stated that they would like to continue to build their home and extend this for two years to give them a chance to sell their home. When they started this process in 2005, they felt they could sell their house very quickly. They have owned their own mortgage company in Tempe for 14 years. The process to have this approved began in July of 2006, and they waited to start their project until final approval was granted in September of 2006. They had been diligent to meet all the qualifications necessary in order to separate the properties. It was April 2007 before they could get it formally separated. By that time, the housing market had taken a severe decline. They have every intention of building the house, but they didn't feel the timing was right once the approval was received to separate the lot. The lot has now been formally separated.

PUBLIC HEARING

Greg Dix, Tempe, stated that the Gerdes residence is within his line-of-sight and he is directly affected by this proposal. Zoning restrictions contribute to making Tempe a great place to live and work. When the Gerdes residence was purchased, these restrictions were in place. If the Council should decide to alleviate these restrictions, they will be helping the Gerdes, but at the expense of many other homeowners who purchased their homes understanding that these restrictions were there to protect them from this sort of action. It is true that there was a lot split that was approved in the past. However, in stark contrast, all of the surrounding homeowners supported that proposal and that is certainly not the case in this situation. He read a portion of the City Council minutes from July 20, 2006:

"Mayor Hallman asked if it was Council's suggestion to seek an additional stipulation that the current existing home remain and that this approval would be specific to these owners and that any transfer of any property prior to completion of the home would cause the approval to lapse? One would want to tie this to a specific owner because in order for this to be a good thing they would need to remain and demonstrate that they feel it will retain value and not harm the property. If it would be a flip, then there's no assurance that they are making that personal commitment."

It is now apparent from the recent letter submitted by the applicant that they do intend to sell their current residence prior to construction of the new house, adding to the validity of Mayor Hallman's concerns.

Denise Karastamatis, Tempe, distributed a history and fact sheet outlining what has taken place since April 2007. (She noted that the date March 25, 2006 should read March 28, 2007.) It shows that since the plat subdivision was recorded on April 6, 2007, there has been no further activity. That is approximately one year. She read a letter into the record opposing the request for subdivision at 8404 S. Kachina Drive. Although approval was granted on July 20, 2006, it has since expired effective January 21, 2008. Their concerns are still the same. They feel the existing zoning conditions should remain and should not be eliminated. The new lot would be smaller and wouldn't fit in.

Roger Medlen, Tempe, stated that this doesn't fit. This is about a single lot and this will have the curb appeal of a townhome which doesn't fit the neighborhood and will affect the value in the future. That house will sit longer on the market and drive down values.

Mayor Hallman asked about lot 53, an 86-foot lot, across the street from the Gerdes residence.

Mr. Medlen responded that the home on lot 53 was built with respect to that lot.

Mayor Hallman asked whether a home could be built on lot 2 the same way.

Mr. Medlen responded that all the homes are concentric and face east and west. This home would not line up. The home on lot 53 is in proportion to the 86-foot lot and matches the facing lots on both sides.

George Karastamatis, Tempe, finished reading Denise Karastamatis' letter into the record. If these conditions were made on July 20, 2006, shouldn't they be honored?

Gary Graham, Tempe, lives in the neighborhood. People have seen the large "public notice" sign placed there by the City and have stopped and asked him about it. Many neighbors are upset about it.

Wanda Dix, Tempe, provided an enlarged view of the lots and the history of the development. She addressed several points from the Staff Summary Report. On page 3, second paragraph, it states that the existing western boundary lots along Kachina Drive are not typical lots in this neighborhood. That refers to lots 13, 14, 15, and 16 and it also includes the Gerdes property shown as lots 1 and 2. These lots are all over one acre in size, with typical frontage measurements of 150 feet. The one-acre lot size stipulation was set forth in 1978 when City Council rezoned this area. All other lots east of Kachina Drive vary in frontage width and typically range from 93 feet to 110 feet with one exception, which is lot 53. It happens that this narrow lot is located directly across the street from the newly proposed 85-foot wide lot. Lot 53 has 86 feet of frontage because when this subdivision was developed, the Hancock Development Company chose lots 52, 53 and 54 as the building sites of their model homes. It is well known that models are always built on smaller lots to provide a short walking path for prospective buyers. All other blocks have only two homes built in the same amount of space, such as lots 17 and 44, and lots 39 and 38. This system carries itself throughout the subdivision. Also on page 3 under "Previous Approvals", it is noted that in 1992, City Council approved the split of lot 46. Originally this lot was approximately the same one and one-half acre size as the Gerdes lot prior to the subdivision. Lot 46 had been undeveloped for 14 years prior to this split. The splitting of that lot produced two sellable lots meeting Council's stipulations that they both be no less than three-quarters of an acre in size. Those two lots are visually comparable to and still complement the other one acre lots along Kachina Drive. She believes the proposed 45-foot wide lot will not complement the existing one-acre lots on the west side of Kachina nor will it complement the homes east on Kachina Drive. Concerned residents came to Council during two hearings in June and July of 2006 in opposition to the Gerdes' request. Six homeowners submitted letters of opposition and others spoke. After debate, Council granted Gerdes' request with a few conditions applied. The Gerdes did not comply with the 18-month time stipulation set by Council. The lot split was recorded by the Assessors' Office on May 6, 2007. The Gerdes have taken no action toward the next step of obtaining a building permit.

Nick Karastamatis, Tempe, spoke a year ago on behalf of his parents. He has listened to the concerns of the neighbors and their belief that allowing Mr. Gerdes to go forward with this project will affect them in a negative way as far as property value. Mr. Gerdes says this will affect them in a positive manner, but he doesn't see any neighbor here that agrees. He feels the neighborhood has spoken about how they feel this will affect them.

Gene Guarina, Tempe, stated that when he bought his house, there was a building in the backyard that cost him \$4K to go through Council's approval to allow him to fix it up because it was never approved initially. The case law is there. It appears they plan to sell their existing house and build a

new one. If they sell the house and build a new one, the Mayor's stipulation from the previous hearing would make it null and void.

Mayor Hallman clarified that it was not a stipulation, but was a question he was raising. He voted against the project. He clarified that if they were subdividing to flip the property, the proof to him would be that they weren't interested in the quality and character of the neighborhood, and they would be demonstrating that this was for their personal profit and benefit.

Mr. Guarina added that if this is their dream home, that plan would be in place. He understood that no home plans were actually submitted until recently.

Chris Anaradian responded that a schematic plan was submitted on March 25, 2008.

Mr. Guarina added that it seems like it is for profit. There's no need to build another home.

APPLICANT RESPONSE

Denise Gerdes stated that she wishes she had brought residents who agree. The letters from two years ago still stand regarding property values. Other properties are similar in the area in other developments. They had a custom builder when they first started the process, and they paid \$5K to secure them and a plan similar to the one provided, but because of the delays, they couldn't commit until the lot split was approved. By that time, the housing market had changed. They are not looking to profit from this. They want to build and they want to live in the neighborhood. They have lived in the neighborhood since 1991.

Michael Gerdes added that he is very conservative and was not going to start anything until he was sure the lot was split. That was not final until mid-2007. They first started this in 2005, and it took until the middle of 2007 to get it complete. Their lot has a 265-foot depth and so even with a 40-foot setback, they can still put a house on the lot and still have 65 or 70 feet of backyard.

Denise Gerdes added that it wasn't approved until September of 2006, and they submitted their letter in February, so she felt the 18 months was not up. It would be foolish for them to build something that would decrease property values. It will only help the neighborhood.

Councilmember Carter asked Andrew Ching when the eighteen months starts running.

Andrew Ching responded that it would key off the July 20, 2006, approval.

Councilmember Carter asked if they had pulled actual permits within that eighteen months and how long would they have to build the house after pulling the permits.

Mr. Anaradian responded that the ongoing inspection regime is such that if an inspection occurs on an ongoing project, that ability to construct is good for another year, as long as inspections and progress is being made on the job site. There is no certain time frame for single family house construction.

Mayor Hallman recalled from the previous discussion that the applicants would continue to own both properties, that there was some desire to end up building a home on the property ultimately for other family members.

Mr. Gerdes responded that when this was discussed the first time, it was stated that after we got the other house finished, we were going to sell the first house. It would not be a rental.

Mayor Hallman asked why they are here this evening saying that the problem was that they couldn't sell the first house. The only thing they were required to do was pull permits.

Mr. Gerdes responded that they would have required having an architect draw the property. The builder they had originally cancelled the contract after a year.

Mayor Hallman clarified that the applicant proceeded to seek and got a lot split completed on September 7, 2006. Staff report states that the applicant proceeded to complete the subdivision lot split request, receiving approval on September 7, 2006.

Mr. Anaradian added that the dates that follow document the process to get that plat recorded with the County.

Mayor Hallman clarified that once the approval of the lot split request was granted, then they submitted the actual document to get approval and there were revisions to it.

Mr. Anaradian responded that the submission of the plat for review was November 1. Those were picked up November 16, for a 15-day turnaround for the first review. There were additional comments and they were resubmitted on December 27, and the second review took place between December 27 and January 8.

Mayor Hallman asked why it took from September 7th to November 1st to resubmit after the approval.

Mr. Gerdes responded that the changes that were made had to be submitted to the architect, and he then hand-carried them back to the Development Services Department.

Mayor Hallman clarified that the City turned those around in two weeks and then it was another six weeks before he resubmitted them.

Mr. Gerdes responded that was how long it took to get them back from the surveyor. Then the City turned them around in less than 10 days and then it took another 60 days to submit, which was March of 2007, with final recordation taking place a week and a half later.

Mayor Hallman added that, based on what they testified to in the first application, they were going to design and have a house built and then move into it and sell the first house. They didn't do any of

that. Did the City do anything that stopped them from getting the house designed?

Mr. Gerdes responded that until he had the lot split he wasn't going to pay an architect.

Mrs. Gerdes added that they were involved in the housing market and they had to focus their time and energy to keep up with all the changes in 2007.

Motion by Councilmember Arredondo to deny Item #17. Second by Councilmember Mitchell.

Mayor Hallman asked Mr. Ching to clarify that if this is denied, the lot has already been split and the Gerdes currently have two lots on which they owe property tax. Under the Code, if they wanted to tie them back together again, they could go through a lot-tie process.

Mr. Ching agreed, or they could record a correcting plat reflecting the maps of the approval, showing it back as one lot.

Mayor Hallman asked if they could just re-record the first plat.

Mr. Anaradian responded that staff would have to investigate that.

Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20080403dsrl03.pdf](#) **PLANNED**
DEVELOPMENT (0406)

18. Approved **with conditions** a Final Subdivision Plat for CAMPUS EDGE located at 922 East Apache Boulevard.

COMMENTS: (PL070224) (Nelson Companies 2, LLC., owner; Site Consultants Inc., applicant) for a mixed-use project for residential and commercial space on 1.50 acres, located at 922 East Apache Boulevard, in the MU-4, Mixed Use High Density District, Transportation Overlay and Planned Area Development Overlay. The request includes the following:

SBD07021 – Final Subdivision Plat for one lot on 1.5 net acres.

The following condition of approval was also approved:

1. The Subdivision Plat for CAMPUS EDGE shall be put into proper engineered format with appropriate signature blanks and recorded with the Maricopa County Recorder's Office through the City of Tempe's Development Services Department on or before April 3, 2009. Failure to record the plan within one year of City Council approval shall make the plan null and void.

DOCUMENT NAME: [20080403dsrl02.pdf](#) **PLANNED**
DEVELOPMENT (0406)

- *19. Held a public hearing and recommended the approval of a Series 12

Restaurant Liquor License for PJRC LLC dba Great Steak & Potato, 2000 East Rio Salado Parkway, #1215.

COMMENTS: Joseph Kim is the Agent for this application.

DOCUMENT NAME: [20080403LIQ01.pdf](#) LIQ LIC (0210-02)

- *20. Held a public hearing and recommended the approval of a Series 9 Liquor Store License for CVS EGL Broadway Tempe AZ LLC dba CVS Pharmacy #9205, 802 South Mill Avenue.

COMMENTS: Jason Morris is the Agent for this application.

DOCUMENT NAME: [20080403LIQ02.pdf](#) LIQ LIC (0210-02)

- *21. **THIS ITEM WAS REMOVED FOR SEPARATE CONSIDERATION.**

Held a public hearing and recommended the approval of a Series 10 Beer and Wine Store Liquor License for RA & Abby Inc., dba Thirsty Dog, 15 West 5th Street.

COMMENTS: Gil Schmitt is the Agent for this application.

APPLICANT PRESENTATION

Gil Schmitt, Tempe, summarized that he is building a building on the west side of the post office at 5th and Mill. The need for a convenience store in the downtown has been identified. He previously owned Arizona Shorts on 5th and Mill for 22 years and he planned to move it to this new building. His business decreased, however, with the move of the Cardinals, so he decided not to reopen that business. He has also owned Coldstone on Mill Avenue for 13 years. He has been on the DTC Board of Directors for 8 years, with 2 years of that as the economic development chair. The Mill Avenue District is developing condos and with the evolving residential component, the DTC strategic plan includes a convenience store. He has done all the due diligence with the State Liquor Board and satisfied all of the requirements, as well as attended their classes. Regarding safety, the post office lot is very well lit. US West increased the lighting on their building and his new building will have lots of light. There is a concern that people will drink beer in the alley. He is working with the Tempe Police on a safety program for his business. A precedent is already set in the Mill Avenue District with two beer/wine store license licenses for Campus Corner and CVS. Circle K is across the street from the District and the new tower will have a wine operation. City staff recommends approval. There is also a current plan underway to redevelop and activate the alley.

Mayor Hallman added that the goal of a group of property owners along Mill Avenue is to activate the alley and create the opportunity for retail to face both Mill Avenue and the west toward what is currently an alley, and to make that a pedestrian area.

Mr. Schmitt added that the business will be called "Thirsty Dog To Go." "Thirsty" is because it is all beverages, and the "Dog" is because they will sell bratwurst, sausages and hot dogs, as well as a salad bar. It will be a high-end convenience store.

Mayor Hallman asked about the size.

Mr. Schmitt responded that it will be 850 sq. ft.

PUBLIC HEARING

Greg Ninke, Tempe, stated that he is concerned with the draw of vehicular traffic. The post office is already congested with traffic. Council has wanted to cut down on vehicular traffic and increase foot traffic and parking is already a problem.

Mayor Hallman asked why he thought that this will attract people in vehicles as opposed to the people who live and/or work in the area, given there are lots of places to buy liquor and food.

Mr. Ninke responded that the density of residents is not what it will be in five years. When the tower opens, it will have in-house conveniences, and CVS which is three blocks away has a liquor license.

Mayor Hallman added that the CVS has a large parking lot and is intended to be for the vehicles that come through the intersection of University and Mill.

Mr. Ninke responded that if you walk down Mill Avenue at any time of the day, you see traffic blocking the intersections.

Mayor Hallman added that part of the process for approving the building in the first place was traffic examination. In deciding and approving the building, all of those issues were examined. This only speaks to the liquor license, not whether or not the building can be built and not whether or not it has to have a certain amount of parking. Why do you think that this particular 800 sq ft operation is going to draw a number of cars as a "convenience" store when you have already described the fact that it isn't very convenient if you can't find parking? Why would anyone drive to this location merely for the opportunity to buy liquor? It appears he has recognized that his target better be people walking in off the street.

Mr. Ninke responded that not all of his customers will be walk-ins from where they live or do business. There will be people coming into the downtown on business that will come by the store. That's why he thinks the vehicle traffic would be higher.

Motion by Councilmember Carter to approve Item #21. Second by Councilmember Arredondo. Motion passed on a roll call vote, 7-0.

DOCUMENT NAME: [20080403LIQ03.pdf](#) LIQ LIC (0210-02)

- *22. Held a public hearing and recommended the approval of a Series 4 Wholesaler's Liquor License for Los Diablos International Inc., 2123 South Priest Drive, #205.

COMMENTS: Saulo Katcher is the Agent for this application.

DOCUMENT NAME: [20080403LIQ04.pdf](#) LIQ LIC (0210-02)

B. Award of Bids/Contracts

23. Approved **Contract #2008-63**, a professional services contract with Aqua Engineering, Inc., for design of a new sprinkler system for Kiwanis Park.
COMMENTS: Total cost for this contract shall not to exceed \$274,856.
DOCUMENT NAME: [20080403PWDR03.pdf](#) **KIWANIS COMMUNITY PARK (0706-25) PROJECT NO. 6303091**
24. Approved **Contract #2008-64**, a professional services contract with Weddle Gilmore Architects for architectural and exhibit design services for the Tempe Historical Museum.
COMMENTS: Total cost for this contract shall not to exceed \$662,420.
DOCUMENT NAME: [20080403PWDR04.pdf](#) **HISTORICAL MUSEUM (0705-04) PROJECT NO. 6702481**
25. Approved **Contract #2008-65**, a professional services contract with Vollmer & Associates for landscape design at the City Hall Parking Garage.
COMMENTS: Total cost for this contract shall not to exceed \$138,135.
DOCUMENT NAME: [20080403PWDR05.pdf](#) **PARKING (0503-19) PROJECT NO. 6702971**
26. Awarded **Contract #2008-66**, a two-year contract to Aquatic Environmental Systems, Inc., for calcium hypochlorite for City pools and an ultraviolet water treatment system for the Cox Splash Playground to sanitize and treat the water; and authorized the transfer of \$25,000 from the Rio Salado Fund balance.
COMMENTS: (IFB #08-114) Total cost for this contract shall not exceed \$65,000 during the initial contract period.
DOCUMENT NAME: [20080403fslg03.pdf](#) **PURCHASES (1004-01)**
27. Approved **Contract #2007-154A**, a professional services contract addendum with Wilson Engineers for additional design services for the Tempe Beach Park restrooms.
COMMENTS: Total cost for this contract addendum is \$76,264. Approval of this addendum will increase the amount of the original contract from \$44,500 to \$120,764.
DOCUMENT NAME: [20080403PWDR07.pdf](#) **TEMPE BEACH PARK (0706-38) PROJECT NO. 6501755**
28. Approved the increase of the construction change order contingency for Curry

Road Water Main Upgrades from Scottsdale Road to Stadem Drive.

COMMENTS: Increase the construction change order contingency by \$126,000. Council has previously approved two contingency increases totaling \$325,000. This request will increase the original change order contingency from \$200,000 to \$651,000.

DOCUMENT NAME: [20080403PWDR06.pdf](#) **WATERMAIN UPGRADES (0810-04) PROJECT NO. 3200031**

29. Approved the increase of the contract amount with PSI Group, Inc., for pre-sort mailing services.

COMMENTS: (T06-049-01) Increase in the amount of \$240,000 from \$70,000 to \$310,000.

DOCUMENT NAME: [20080403fsta06.pdf](#) **PURCHASES (1004-01)**

30. Approved one-year contract renewals with Dave Bang Associates, Inc., and Miracle Playground Sales Southwest for playground play structures for City parks.

COMMENTS: (T06-099-01 and T06-099-02) Total amount not to exceed \$150,000.

DOCUMENT NAME: [20080403fslg01.pdf](#) **PURCHASES (1004-01)**

31. Approved a one-year renewal of a contract with United Fire Equipment Company for the purchase and repair of turnout clothing for the Fire Department.

COMMENTS: (T07-001-01) Total amount not to exceed \$100,000.

DOCUMENT NAME: [20080403fslg02.pdf](#) **PURCHASES (1004-01)**

32. Approved a one-year renewal of a contract with Arizona Foundation for Medical Care for preferred provider organization network access for eligible City employees, dependents and retirees.

COMMENTS: (T01-053-01) Total amount not to exceed \$290,000

DOCUMENT NAME: [20080403fsta04.pdf](#) **PURCHASES (1004-01)**

33. Approved a one-year renewal of a contract with Contact Behavioral Health Services for an employee assistance program for all eligible City employees.

COMMENTS: (T05-061-01) Total amount not to exceed \$50,000.

DOCUMENT NAME: [20080403fsta07.pdf](#) **PURCHASES (1004-01)**

34. Approved the utilization of a City of Chandler contract with Metering Services, Inc., for water meter calibration, maintenance, and repair services.

COMMENTS: (WD6-936-2251-01) Total cost of this contract shall not exceed \$80,000.

DOCUMENT NAME: [20080403fst05.pdf](#) **PURCHASES (1004-01)**

35. Approved the utilization of a two-year City of Mesa contract with Rehrig Pacific Company for residential refuse and recycling containers.

COMMENTS: (Contract #2007201) Total cost of this contract shall not exceed \$250,000.

DOCUMENT NAME: [20080403fsta08.pdf](#) **PURCHASES (1004-01)**

C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- *36. Introduced and held the **first public hearing** for a Planned Area Development Overlay for M7 MIXED USE DEVELOPMENT located at 701 South Mill Avenue. **The second public hearing is scheduled for April 17, 2008.**

COMMENTS: (PL060681) (Mario Sanchez, Tempe Mill LLC, property owner; Manjula Vaz, Gammage & Burnham, applicant) consisting of a mixed-use development for three buildings, including ground floor commercial, a seventeen story hotel with conference center, two twenty-six story residential towers, and underground parking, within approximately 1,258,000 s.f. of total building on 1.73 acres, located at 701 South Mill Avenue in the CC, City Center District and in the Transportation Overlay. The request includes the following:

PAD07004 – (Ordinance No. 2008.12) Planned Area Development Overlay to modify development standards to allow a building height increase from 50' to 195' for the hotel building and 306' for two residential buildings; and a reduction in the TOD required parking from 1,618 to 1,129 spaces.

DOCUMENT NAME: [20080403dsrl01.pdf](#) **PLANNED DEVELOPMENT (0406)**

- *37. Introduced and held the **first public hearing** for a Planned Area Development Overlay for 800 WEST. **The second public hearing is scheduled for April, 17, 2008.**

COMMENTS: Request for 800 WEST (PL070513) (Nancy Hawkes, Articulate Urban Homes, LLC, owner and applicant) for a Planned Area Development Overlay and a Development Plan Review for four townhouses on approximately 0.24 net acres, located at 800 West University Drive in the R-4, Multi-Family Residential General District. The request includes the

following:

PAD07029 – (Ordinance 2007.86) Planned Area Development Overlay to modify development standards for four residential units on individual lots on an overall +/- 0.24 net acre site, including the following: reduction in minimum individual lot area from 1,740 sf to 1,366 sf, increase in maximum individual lot coverage from 60 % to 64 %, reduction in individual lot setbacks from 20 ft to 0 ft (front), from 10 ft to 0 ft (side) and from 10 ft to 7 ft (rear)

DOCUMENT NAME: [20080403dskko01.pdf](#) **PLANNED DEVELOPMENT (0406)**

D. Ordinances and Items for Second Hearing/Final Adoption

- *38. Held the **second public hearing** and approved ORDINANCE NO. 2008.11 abandoning a Public Utility Easement at 802 S. Mill Avenue.

DOCUMENT NAME: [20080403PWCH01.pdf](#) **ABANDONMENT (0901)**

- *39. Held the **second public hearing** and approved ORDINANCE NO. 2008.13 adopting an ordinance to amend language relating to the requirements for placement of overhead utility lines underground.

DOCUMENT NAME: [20080403PWWS02.pdf](#) **PLANNING AND DEVELOPMENT (0503-25)**

- *40. Held the **second public hearing** and approved ORDINANCE NO. 2008.14 amending Chapter 13A of the Tempe City Code, relating to Environmental Programs and Standards by adding new Section 13A-7 relating to Fireplace Use Restrictions; adding new Article II relating to Outdoor Fires; adding new Article III relating to Dust Control; and **establishing the existence of an emergency**.

DOCUMENT NAME: [20080403cacc01.pdf](#) **TCC 13A – ENVIRONMENTAL PROGRAMS & STANDARDS**

E. Resolutions

41. Approved RESOLUTION NO. 2008.25 establishing the polling places and districts for the May 20, 2008, General Election.

DOCUMENT NAME: [20080403clrkck01.pdf](#) **GENERAL ELECTION – MAY 20, 2008 (0506-31-02)**

42. Approved RESOLUTION NO. 2008.28 approving and authorizing the installation of a plaque or similar monument in honor of Michael Franjevic at or near the Country Club Way pedestrian bridge.

DOCUMENT NAME: [20080403prmr01.pdf](#) **PARKS ADMIN (0706-10)**

6. PUBLIC APPEARANCES

UNSCHEDULED PUBLIC APPEARANCE

- **George Karastamatis, Tempe**, re: item #17. In terms of process, in six months or two years, can the applicant re-apply and we will be back here again?

Mayor Hallman stated that Council cannot prevent people from going through the City process.

Andrew Ching added that the Zoning Code specifies a time limitation of twelve months after a denial. Since this is a request for something that has already lapsed, he wasn't sure whether another twelve months would apply. For this particular item, to remove a condition that was already in existence in itself was denied, so if that particular instance were to be asked again, he guess there could be another twelve months, but by that point, they presumably would have already had a lot re-tie which would cause the process to start over.

7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

- Vice Mayor Hutson congratulated staff on their fine efforts with the Spring Festival which brought a record 280,000 people into the downtown. There were also 118,000 visitors to Diablo for Spring Training. That is also a record. Staff did an outstanding job.
- Councilmember Arredondo added his congratulations to staff. There were ten sell-outs in Spring Training. Staff turned situations that weren't the best into great. He also congratulated Glenn Kephart on the outstanding breakfast for the Public Works staff this morning.
- Mayor Hallman stated that this is a remarkable community served by remarkable people. He was sorry to have missed the annual Public Works breakfast this morning honoring such outstanding workers. Staff has been working through the budget process and, with the surrounding communities having their share of difficulties, we are facing the same economic downturn, but very differently because of the way this staff has come together and in four years has changed the way this City does business. The revenues generated by the City's operations have been holding steady. We have to deal with healthcare costs and a variety of other things that continue to rise, but staff has worked diligently to figure out ways to make sure we can come within budget and do so without affecting the services supplied to our residents.

Meeting adjourned at 9:25 p.m.

I, Jan Hort, the duly-appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby

certify the above to be the minutes of the Formal City Council meeting of April 3, 2008, by the Tempe City Council, Tempe, Arizona.

Hugh Hallman, Mayor

ATTEST:

Jan Hort, City Clerk

Dated this _____ day of _____, 2008.